

The Maine Registry of Certified Nursing Assistants

Creation and Purpose

The Maine Registry for Certified Nursing Assistants started in 1989 in response to the Omnibus Budget Reconciliation Act of 1987 (OBRA). OBRA established minimum nationwide standards for the education and qualifications necessary to safely and competently function in the role of a Certified Nursing Assistant. Please note: Each state can impose its own laws and regulations as long as they meet or exceed the federal requirements.

- OBRA required every state to establish and maintain a Registry of Certified Nursing Assistants.
- States are prohibited from charging fees to place CNAs on the CNA Registry.

The registry is important because it enhances public safety by:

- annotating information related to substantiated complaints as required by Federal law and known criminal convictions as required by Maine law;
- attempting to ensure that CNAs caring for the public have been properly trained and have met requirements to maintain competency;
- providing information regarding any State or federally mandated employment restrictions;
- allowing employers to hire only those CNAs who are active on Maine's CNA Registry. (Maine and federal laws do allow an individual to work as a CNA for up to 4 months in a **long-term care facility/nursing home** while that individual is fulfilling the requirements for being placed on the registry.)

Criminal Background Checks

- Need to be **run on all names** the CNA student has held.
- Need to be carefully scrutinized as reports may include information on convictions actually belonging to someone other than the CNA student. (Reporting parameters include people with similar names, birthdates in same month and year, etc.)
- Do not give information on convictions occurring in other states. Schools and/or employers may need to obtain criminal background checks from other states themselves if indicated.

A criminal background check can come up negative even when a person has been convicted of something. Sometimes this is because the conviction was for something that showed up on the DMV report instead, such as Operating after Suspension, and sometimes it's because the courts neglected to send the conviction data in to the State Bureau of Identification. But regardless of the reason, the registry still needs to receive copies of court documents on convictions even (or especially) if it doesn't show up on the SBI. Conversely, if all the information including sentencing is present on the SBI report, the registry does not need court documents as well.

- Crime classifications vary from state to state
- In Maine, Class A, B, & C crimes are considered the most serious. Class D & E crimes are considered less serious.
- Class V are civil matters and do not require annotation.

HOW TO HELP YOUR CNA STUDENTS GET ON THE REGISTRY: REMEMBER THIS IS A LEGAL DOCUMENT

- Please be sure the Certificate of Training includes all required information and the CNA's name is spelled correctly on it. CNA must include a photocopy of this certificate with his/her registry application.
- Distribute applications (gray forms) to the students.
- Students **must** fill out the application themselves ---completely, accurately, legibly and in blue or black ink.
- Please tell them they must include **all** previous names on the first page of the application.
- When answering the questions, students should keep in mind that **criminal convictions include certain driving infractions** such as Operating under the Influence (OUI), Operating after Suspension (OAS), Driving without a License, Driving to Endanger, Criminal Speeding (30 MPH over limit), and Operating an Unregistered Vehicle. CNAs who have these and/or other convictions should:
 - **Class D or E that occurred more than ten years ago and did not involve any disqualifying event**
 - Just state what the conviction was and when and where it occurred.
 - **Class D or E that occurred less than ten years ago or a Class A, B, or C occurring more than ten years ago**
 - Registry needs copies of court documents before CNA can be placed on the registry.
 - This information will be listed on the registry and given to prospective employers upon request.
 - If CNA is unable to provide the registry with the required court documents without incurring a financial cost, then should provide the registry with information regarding what crime(s) convicted of, the name and address of the court(s), and approximate date(s) of the conviction(s).
 - **Disqualifying convictions**
 - **If CNA has any of the following, s/he is ineligible for placement on the registry, so there's no need to complete the application process:**
 - **Class A, B, or C conviction occurring within the last ten years**
 - **Conviction for a crime involving sexual misconduct within the last ten years**
 - **Conviction involving abuse, neglect, or exploitation in any setting within the last ten years.**
 - **CNA will be permanently ineligible for placement on registry if s/he has any conviction involving abuse, neglect, or misappropriation of property in a healthcare setting.**

If it is discovered on an SBI check that there is something on their record that they did not divulge, they may be found to have submitted a **fraudulent application**. In such cases, they would be **denied placement** on the Registry and therefore would not be allowed to work as a CNA in the State of Maine.

- **Remind students to sign and date the application.**
- Instruct students to make a **photocopy of their driver's license and social security card, cut them out and attach them to the application in the designated areas.** (Two-sided

tape works nicely.) **If a CNA does not have a current driver's license, another form of government photo identification with the applicant's signature on it will do. Examples of acceptable ID include a current passport, USA military ID card, or a State ID card. Unacceptable photo ID includes an informal snapshot and a high school student ID badge photo. Social security card must be a United States one, not one from Canada or some other country.**

- CNAs should send in their applications with all required documents including copies of criminal background reports for all names (even on those that say "No record found") and court documents as applicable to the CNA Registry, 41 Anthony Avenue, 11 State House Station, Augusta ME 04333-0011.

- ***Please DO NOT tell your students to call the Registry or the Department of Education to find out their score.*** They may call the Registry **at reasonable intervals** to see if they've been put on the registry. However, they should wait at least a week from the time they have received their grade before they call the Registry the first time. **A better option is for them to access the registry through the web portal at <https://gateway.maine.gov/cnaregistry/> to check to see if they are on.** The Registry has 30 days from the time they receive grades (assuming they have their application and all is in order) to enter students on the Registry. However, they usually get students entered much sooner than that. The Registry does not currently send letters of notification to students, but does send verification letters to their employers if those employers have informed the Registry that they have hired the CNA.

IMPORTANT INFORMATION FOR CNAS TO KNOW

- **Certificate of Training** - CNA should **keep** his/her **original certificate** that specifies total number of classroom and clinical hours as well as beginning and ending dates of training. Many employers request a copy of this for their files.
- Most job application forms will ask for their **number on the CNA Registry**. Currently, that number is their social security number preceded by "ME" (for Maine). Example: ME 000-00-0000
- A CNA **must work at least 8 hours every 2 years as a CNA for pay** for an agency/facility under the direction of a Registered Nurse in order to remain active on the Registry.
- By law, prospective employers must contact the registry and verify that a CNA is on the Registry by providing the CNA's full name and social security number. If the CNA has any convictions annotated, the employer will also be required to supply the CNA's date of birth as another identifier before the registry will give out any information. Therefore, a CNA who does **have an annotation** might want to tell interviewer(s) about this ahead of time and **volunteer DOB** to make it easy for the employer(s) to do required check.
- The registry gets quite a few calls from distraught CNAs who have become inactive on the Registry. Often, the CNA believed s/he had been hired and working as a CNA, when actually s/he was hired as a PSS. Apparently the interviewer had said that the agency was looking for an applicant who was a CNA. (They want someone with the extra training but for a PSS position.) **CNA should always clarify with the employer what job position s/he is being hired into.**
- If a CNA has a finding (substantiated by the Division of Licensing and Certification) of **abuse, neglect, or misappropriation** of funds in a healthcare setting, that CNA may never again be employed in hospitals, nursing homes, assisted living facilities, or home health agencies. (Exception: By law, a CNA with no more than one substantiated complaint of neglect, may be reinstated after a period of one year as long as that complaint did not

reflect a pattern of behavior.) Additionally, if a CNA was convicted of **certain crimes** (those equivalent to Maine's A, B, or C crimes, or convictions involving sexual misconduct, abuse, neglect, or exploitation) in the past 10 years, they will not be allowed to work in any of those settings either. There are also numerous laws for the different types of health care facilities/agencies prohibiting them from employing anyone as unlicensed assistive personnel if they are prohibited from employment as CNAs due to any substantiated complaints or convictions as described above. So they won't be allowed to work as a PSS or CRMA either.

➤ **Renewal on Registry**

The Registry plans to start requiring all active CNAs to renew their registration every two years. It will be **very important for CNAs to keep the Registry informed of name and address changes** as they occur so that registry will be able to send the CNA notification and an application when it is time for her/him to renew. Re-registration for each CNA will coincide with her/his birthday every other year. **Failure to re-register in a timely manner will result in the CNA becoming inactive on the Registry.**

- **Start date for registration renewal process has not yet been determined.** Some budgetary issues must be resolved first.
- **Renewal process will be phased in.** Not everyone will be done the first year.
- As part of the renewal process, **CNAs will be asked to list the in-services** they have attended over the past two years.
- Registry will obtain current SBI criminal background check at time of registration renewals.
- Registry will then notify each CNA's known employer(s) of any newly annotated criminal convictions.

➤ **Transferring to other states:**

- Must be placed on the other state's registry before working as a CNA there. Current listing of all states' registries is usually available on the web site of the *National Council of State Boards of Nursing* at: <https://www.ncsbn.org/179.htm> or CNA may call the Maine CNA Registry for contact info.
- Many states require CNA to submit a Reciprocity Form. These usually have a section that must be completed by this state's registry. Be sure to send it to the correct address at 41 Anthony Avenue, SHS #11, Augusta, ME 04333-0011.
- Some other states train their CNAs to do some tasks that Maine does not allow them to do. Upon moving to another state, CNAs should familiarize themselves with that state's rules and regulations. They will need to inform employers of any training needs.
- A large majority of the other states require fewer training hours for CNAs than Maine does

➤ **Adjunct Skills**

Workgroup has met to draft a proposal to allow individual facilities/agencies to add certain skills to those that Maine's CNAs already perform. If approved:

- It will be up to the individual agencies/ facilities to decide what, if any, additional skills (from the MSBON-approved list) they want their CNAs to perform.
- The facilities/agencies will also be responsible for ensuring the CNAs are properly trained and demonstrate competency.
- The CNA may only perform those adjunct skills for the facility/agency that trained them to do so.

➤ **CNA Website** to include answers to many FAQs

(Website address: <http://www.maine.gov/dhhs/dlrs/cna/home.html>.)